

MINUTES

Champaign City Council Regular Study Session

DATE: February 15, 2007

PLACE: Champaign City Building
City Council Chambers
102 North Neil Street
Champaign, Illinois 61820

**COUNCIL MEMBERS
PRESENT:** Tom Bruno Marci Dodds
Gina Jackson Michael La Due
(CM Jackson arrived at 7:08 p.m.)
Vic McIntosh Ken Pirok
Giraldo Rosales Mayor Schweighart
(CM Rosales arrived at 7:03 p.m.)

**COUNCIL MEMBERS
ABSENT:** None

STAFF PRESENT: Steve Carter, City Manager
Paul A. Berg, Assistant City Manager
Dennis Schmidt, Public Works Director
Stephen Barnes, Assistant to the City Manager
Joe Hooker, Assistant City Attorney
Scott Freidlein, Sgt., Liquor Enforcement/Special Events
Holly Nearing, Lt.
Fred Stavins, City Attorney

OTHERS PRESENT: Peg Rawls, Chancellor's Office, University of Illinois at Urbana-
Champaign (UIUC)
Bill Riley, Chairman, Liquor Advisory Commission

TIME STARTED: 7:00 p.m.

TOPICS DISCUSSED:

STORM EVENT UPDATE

Public Works Director Schmidt provided Council a brief update of the current winter storm clean-up, noting that the Snow and Ice Plan is used for all storms with the major difference being duration of the storm. Of the 250 miles of City streets, the first priority is to address primary

streets, then arterial and collector streets that are part of school routes. Second, residential and local streets are cleared, then cul-de-sacs of which the City has approximately 350. Employees work in two groups in 12 hour shifts, 24 hours per day until all roads are cleared. The goal for a typical storm is to clear the streets to near bare pavement. Downtown and parking areas are addressed after roadways are clear. Chemicals were not effective with this storm because of the low temperatures, and snow removal was more difficult because of the amount of snow as well as and the blowing and drifting. Contractors were used to clear parking areas and cul-de-sacs, and all but one contractor will be released at 11:00 p.m. CM McIntosh thanked all Public Works crews and staff for their efforts in clearing the roadways, noting that crews have been working 12 hour shifts since before the storm. He also noted the difficulty in addressing snow removal under the conditions of this storm.

UNOFFICIAL ST. PATRICK'S DAY 2007 [SS 2007-007]

City Manager Carter noted concerns regarding public safety, past activities and damage caused by the Unofficial St. Patrick's Day event. He recommended that the City regulate this activity.

Recommended Action:

Staff recommends that Council approve Alternative 1, which would amend the liquor code regarding the Mayor's Emergency Order Powers to include the authority to prohibit the sale of undiluted spirits and keg sales, and require bars to have employees that are 21 years of age or older at entrances to check ID's.

Staff Presentation:

Assistant to the City Manager Barnes summarized statistical and other information regarding the 2006 Unofficial St. Patrick's Day event including 147 calls for police service, issuance of 103 notices to appear, excessive drinking, disruptive behavior, excessive litter, students reporting to classes intoxicated and disorderly, and increased emergency room treatments. Council is being asked to consider the following in preparation for the 2007 event:

- Authorize the Mayor to use Emergency Order Powers to prohibit campus bar owners from opening prior to 11:00 a.m. for the sale of alcohol.
- Limit the quantity of liquor provided in bars by prohibiting the sale of pitchers of beer in the campus bars.

Proposed changes to the City Code include the following:

- Prohibit keg sales throughout the City.
- Prohibit the sale of undiluted spirits.
- Require campus bars to have employees that are 21 years of age or older at entrances to check IDs.

Mayor Schweighart noted that the prohibition on sale of kegs would not be limited to the campus area due to the ability to go outside of the area to obtain kegs. Others measures are intended to slow the amount of consumption and binge drinking, as well as trying to address safety issues.

Ms. Rawls noted the importance of working cooperatively with other units of government to address these concerns, and she noted the public relations campaign underway at UIUC regarding respect and responsibility. Letters will be sent to offenders, and financial penalties are being considered against students violating any code of conduct regulations.

Chairman Riley expressed the importance of safety and responsibility, and noted that sororities and fraternities are being asked not to sponsor events Thursday and Friday evening of the event. Class disruption, and encouraging students from other universities to attend this event, is being discouraged.

Council Members' Technical Questions:

- Questioned the number of students disciplined in the past for classroom disruption (Unable to identify. Students in resident halls, sororities and fraternities were disciplined)
- How the use of police resources compares to resources needed during football weekend, or a normal weekend (Two to three times more calls than a normal weekend)
- Financial penalty for students, and ability to provide monitors in large classrooms and lecture halls (Will have monitors in all classes over 50 students, students will be required to show identification, and monitors will check and limit the type of beverages brought to classes)
- Parental involvement (Notices will be sent to parents of students found in violation of the student code of conduct)
- Number of officers providing service versus normal weekend coverage, and involvement of other agencies (University police as well as State police assist in providing patrols/bar checks)
- Ability to close campus bars early
- Whether the event impacts bars in other areas of the City (Primarily campus only)
- Ability to use the same emergency provisions if other bars institute unsafe drinking conditions Impact on students' driving records (Violations would have to be addressed by the Secretary of State)

Public Comment and Council General Discussion:

After a brief period of audience participation where the need to take a stand against bars promoting the unofficial event and associated activities was expressed, Council Members expressed the following:

- Need to track the results of this effort, need for increased University involvement, and cooperation of all entities working together
- Support for the recommendations
- Need to have the restrictions and a City party ordinance approved together, and need to have penalties and repercussions based on actions of students
- Need to minimize the event and consider other alternatives since the date of the event could be moved

- Ensure safety and consider working cooperatively on a controlled environment such as a park activity
- Need to consider a cooperative effort and target problem bar owners
- Need to contain the party and encourage responsible behavior
- Proposed actions would have little effect if unable to restrict alcohol sales
- Controlling these and similar activities will require cooperative efforts and consideration of other alternatives

Council Poll: Mayor Schweighart polled Alternative 1 directing staff to prepare amendments to the liquor code authorizing the Liquor Commissioner to prohibit the sale of undiluted spirits and keg sales and to require bars to have employees that are 21 years of age or older at entrances to check IDs. The poll vote was 7-1 (CM Pirok).

NUISANCE PARTY ORDINANCE PROPOSAL [SS 2007-008]

City Manager Carter noted all Big Ten universities have stated that alcohol consumption is a common problem. Other universities have addressed excessive drinking concerns or are taking steps similar to those that the City is taking. The Party Ordinance would provide a means of addressing out of control parties, and provide specific enforcement criteria to officers.

Recommended Action:

Staff recommended that Council direct staff to add the proposed nuisance party ordinance amendments to a regular Council Meeting agenda for consideration.

Staff Presentation:

Assistant to the City Manager Barnes noted that over the past 11 months staff has reviewed calls for service relating to parties on private property, loud music, and noise and disruptive party complaints. These calls have resulted in 2,415 Police Department responses city wide, mainly in the campus area. The majority of these calls for service have been addressed through verbal warnings and guidance provided by the responding officers. Some calls concern behaviors that are dangerous to the public including throwing bottles from upper balconies, large crowds of intoxicated guests engaging in criminal damage, fighting, or crowds spilling into streets creating traffic hazards.

Assistant to the City Manager Barnes stated that the purpose of the proposed ordinance was to reduce the public safety risks from private parties that are out of control. He noted that police officers have limited options in dealing with these activities when a gathering takes place without a special event permit having been obtained. The proposed ordinance would authorize police officers to issue citations if they have previously have taken action with respect to an event hosted by the same individual(s), or if the host refuses to cooperate in resolving the violations observed by police officers. A violation of the Nuisance Party Ordinance would result in a fine of \$290.

Sgt. Freidlein provided a brief historical review of private party issues and noted that many campus communities have similar ordinances. He stated that the proposed ordinance was modified from an ordinance adopted by Bowling Green, Ohio. Since instituting its ordinance, Bowling Green has had a reduction in the number of calls for service, and its parties are now smaller and more controlled. Sgt. Freidlein stated that students have had an opportunity to give input on the proposed ordinance, and that it would make rules clear to party hosts as well as law enforcement officers. Lt. Nearing noted that police currently have the authority to shut down parties.

Council Members' Technical Questions:

- What triggers a party shut down? (Public safety issues)
- Sought clarification of the proposed ordinance – would it classify a party as a nuisance when the police were summoned previously and/or hosts (and/or their guests) were not cooperative? (yes).
- How will police response be standardized? (information to officers, the public and discussions)
- What portion of parties on private property is shut down? (about 10% of calls)

Public Comment and General Council Discussion:

After a brief period of audience participation where support of holding hosts responsible and ensuring safety to citizens was expressed, Council Members provided comments including the following:

- Asked who would be the recipient of the fine (anyone in violation)
- Noted that this proposal provides step-by-step procedures and standardizes issues better than the ordinance discussed by the Liquor Advisory Commission
- Expressed the need to consider increasing fines for violating the proposed ordinance at some point, and increasing the penalty for sales of alcoholic beverages from cups at non-liquor establishments (up to \$750), and ability to address violations in court

Council Poll: Mayor Schweighart polled Alternative 1 directing staff to add the proposed nuisance party ordinance amendments to a regular Council Meeting agenda for consideration. The alternative was approved by a vote of 8-0.

LEGISLATIVE PROGRAM [SS 2007-009]

City Manager Carter noted that this topic provided an opportunity to address legislative priorities to consider for the State legislative session that just began. Staff tries to meet with legislators early to determine issues that will require the City's consideration and to share the City's concerns.

Recommended Action:

Review of the Council policy concerning legislative activity adopted in 1987 to ensure that it still reflects current Council policy.

Staff Presentation:

City Attorney Stavins noted that the legislative session began in January and is scheduled to end in May. The City's legislative priorities are based on certain guidelines including the following:

- Council goals
- Council Policy concerning legislation as contained in CB-87-201
- Issues raised by Staff
- Municipal League priorities

A new element to the City's Legislative Program is the hiring of a legislative consultant (Tom Walsh and Associates). Consultants are able to provide information not readily available to the City Council or staff, and have contacts within state government that would not be available to City Staff. Consultants work on many issues, and are in Springfield daily talking with legislators and establishing relationships during the entire legislative session.

City Attorney Stavins indicated that key issues for the consultant to focus on during the 2007 Spring legislative session include:

- Capital funding bill, including the following City priorities if grants become available: Olympian Drive, Campus Traffic Safety Enhancements, Mahomet Aquifer Study, Curtis Road, and Bike Trail Plan and Implementation

Other issues important to the community include:

- Quick take for property required to construct improvements to Curtis Road
- Railroad responsiveness and maintenance of viaduct
- Issues related to AT&T video services
- Increases in Workers Compensation Benefits
- Illinois Department of Transportation Review of Local MFT projects
- IDOT adherence to local standards in road construction such as providing sidewalks on overpasses
- The cost of increased employee pension benefits
- 9-1-1 funding (specifically the tax on cell phones
- Enterprise Zone extension (the City's Enterprise Zone benefits will expire serially, and legislation for reauthorization of the benefits is important)

City Attorney Stavins stated that the consultant could assist with issues such as community concerns with electric rates, the proposed state wide smoking ban, school funding, and a capital funding plan. Standard legislative concerns include issues such as municipal revenues, any home rule preemption or items that will increase pension costs and affect property taxes, or any other unfunded mandates imposed by the legislature.

Council General Discussion: Council Member discussion included responsiveness of legislators.

Council Poll: Mayor Schweighart polled Alternative 1 to reaffirm the essential outline of the Council policy on legislation contained in Council Bill No. 87-021. The alternative was approved by a vote of 8-0.

Adjournment: CM Jackson, seconded by CM Dodds, moved to adjourn. A voice vote was taken on the motion to adjourn; all voted yes.

TIME ADJOURNED: 9:35 p.m.

Marilyn L. Banks
City Clerk

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Reviewed by RAS 02/01/08